

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 20-cr-0168 (WMW/ECW)

Plaintiff,

**TRIAL NOTICE AND FINAL  
PRETRIAL ORDER**

v.

Montez Terriel Lee, Jr.,

Defendant.

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This case has been scheduled for trial before Judge Wilhelmina M. Wright beginning on **Monday, June 21, 2021, at 9:00 a.m. in Courtroom 7D at the United States District Court for the District of Minnesota, 316 North Robert Street, Saint Paul, Minnesota.**

**PRETRIAL HEARING**

The Court will conduct a pretrial hearing to address motions in limine and any final pretrial issues on **Wednesday, June 16, 2021, at 11:00 a.m. in Courtroom 7D at the United States District Court for the District of Minnesota, 316 North Robert Street, Saint Paul, Minnesota.** All counsel who will try the case *shall* attend.

**INSTRUCTIONS FOR ALL CASES**

1. **Practice Pointers.** Judge Wright expects all parties to be familiar with and adhere to her Practice Pointers, available on the United States District Court for the District of Minnesota's website.

2. **Document Submission.** The parties shall file all documents electronically on the Electronic Case Filing (ECF) system and provide courtesy copies consistent with the Local Rules and Judge Wright's Practice Pointers.

3. **Timelines.** The parties shall comply with Federal Rule of Civil Procedure 6 for all timelines outlined in this Order. Note that some deadlines in this Order may alter those set forth in the Local Rules or Judge Wright's Practice Pointers. In such circumstances, this Order controls. In the event a deadline in this Order falls on a weekend or holiday, the parties are directed to act on the preceding business day.

4. **Jury/Non-Jury.** Defendant shall contact Chambers *no later* than 30 days prior to trial to request that the case be tried to the Court rather than to a jury.

5. **At Least 28 Days Before Trial**

- a. **Exhibit Exchange.** The parties shall exchange lists of the exhibits to be offered at trial and make those exhibits available for examination and duplication.
- b. **Impeachment.** The requirement to exchange exhibit lists for examination and duplication does not apply to exhibits offered solely for impeachment purposes.

6. **The Following Shall Be Filed or Submitted at Least 21 Days Before Trial:**

- a. **Motions in Limine.** Motions in limine must be filed on ECF. Each motion in limine shall be filed separately and limited to *one* discrete issue. A brief in support of any motion in limine shall not exceed 3,000 words. Motions in limine shall not be used to re-argue any motion previously decided by the Court. Reply briefs are not permitted.
- b. **Trial Briefs.** Each party shall file on ECF a trial brief that addresses the following:
  - i. **Trial Counsel.** Each party shall list the name, address, telephone number and email address of every attorney who will appear as trial counsel in the case.

- ii. **Length of Trial.** Each party shall provide a realistic estimate for the length of the trial, including—if applicable—jury selection and charge.
  - iii. **Facts.** The United States shall provide a brief summary of the facts that it intends to prove at trial.
  - iv. **Unresolved Issues.** Each party shall identify any unresolved substantive, evidentiary, or procedural issues, briefly describe its position on those issues and identify the primary legal authority that supports the position.
- c. **Exhibit Lists.** Each party shall submit its exhibit list as follows:
- i. The exhibit list shall be submitted on the Federal Exhibit/Witness list form (AO187). The form is available at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov) under the “Court Forms” subdirectory. The exhibits shall be listed in the order in which counsel expects they will be offered at trial. This list shall be submitted via e-mail to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov).
  - ii. The proponent shall identify each exhibit using the case number and a unique exhibit number. For example, the United States shall mark its first exhibit “P-1,” and Defendant shall mark their first exhibit “D-1.” The parties shall mark their exhibits sequentially.
- d. **Witness Lists.** Each party shall submit a witness list as follows:<sup>1</sup>
- i. The witness list shall be submitted on the Federal Exhibit/Witness list form (AO187). The form is available at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov) under the “Court Forms” subdirectory. The witnesses shall be listed in the order in which counsel expects they will testify. This list shall be submitted via e-mail to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov).

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<sup>1</sup> The exhibit list and witness list shall be submitted as two separate documents.

- e. **Proposed Findings of Fact and Conclusions of Law.** For *bench trials*, the United States shall file on ECF its proposed findings of fact and conclusions of law and e-mail a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov). Each proposed finding or conclusion shall be accompanied by a citation to the specific witness, exhibit or legal authority that supports it.

**7. The Following Shall Be Filed or Submitted at Least 14 Days Before Trial:**

- a. **Responses to Motions in Limine.** Response briefs must be filed on ECF. A brief in opposition to any motion in limine shall not exceed 3,000 words. Responses to motions in limine shall not be used to re-argue any motion previously decided by the Court. Reply briefs are not permitted.
- b. **Exhibit Copies.** Each party shall deliver to Chambers (i) one set of hard copies of the exhibits in binders with tabbed exhibit numbers and (ii) one set of electronic copies of the exhibits in PDF format on a standard flash drive. **The parties shall not deliver originals of the exhibits.**

- 8. **Daily Transcripts.** The parties shall contact Judge Wright's court reporter, Lori Simpson, no later than 10 business days prior to trial if they intend to order daily trial transcripts. Ms. Simpson's e-mail address is [lori\\_simpson@mnd.uscourts.gov](mailto:lori_simpson@mnd.uscourts.gov) and her telephone number is 651-848-1225.

**ADDITIONAL INSTRUCTIONS FOR JURY TRIALS**

**1. At Least 28 Days Before Trial:**

- a. **Proposed Jury Instructions and Verdict Forms.** The parties shall *exchange* proposed jury instructions and proposed verdict forms. The Court expects the parties to make every effort to resolve any disagreements.
- b. **Proposed Statements of the Case.** The parties shall *exchange* their proposed case introduction for Judge Wright to read to prospective jurors during *voir dire*. This introduction shall briefly describe, without being argumentative, the parties, the major issues in dispute and the parties' positions. The Court expects the parties to make every effort to resolve any disagreements.

**2. The Following Shall Be Submitted At Least 21 Days Before Trial:**

- a. **Proposed Voir Dire.** Each party shall file on ECF any proposed questions for prospective jurors and e-mail a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov). The filing shall designate the questions that counsel prefers the Court to ask.
- b. **Joint Statement of the Case.** The parties shall **jointly** file on ECF a proposed statement of the case to be used as an introduction suitable for Judge Wright to read to prospective jurors during *voir dire* and e-mail a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov). The introduction should briefly describe the parties, the major issues and the parties' positions. The proposed introduction shall not be argumentative.
- c. **Joint List of Parties, Attorneys and Witnesses.** The parties shall **jointly** submit an alphabetized list of all parties, attorneys and witnesses, including each person's city and state of residence, by e-mailing a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov). The Court may provide this list to prospective jurors.
- d. **Proposed Jury Instructions.** The parties shall **jointly** file on ECF **one** set of proposed jury instructions and e-mail a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov).
  - i. Each proposed instruction shall be numbered, appear on a separate page and identify the supporting legal authority. Any citation to a model instruction or a jury-instruction treatise shall be to the current version of the cited source unless an explanation is provided for an out-of-date reference.
  - ii. Instructions on which the parties agree shall appear in plain Roman type.
  - iii. If a party seeks to add, remove, or delete language from the proposed jury instruction, the proposed change shall be noted in brackets with boldfaced red italicized typeface and accompanied by a brief

description of the parties' positions in support of or opposition to the proposed change with citation to the primary legal authority.

- iv. If the entirety of the proposed instruction is in dispute, the proponent shall designate the instruction by a number followed by the letter "P" for the United States' proposed instruction or "D" for Defendant's proposed instruction.
- e. **Proposed Verdict Form.** The parties shall **jointly** file on ECF a proposed verdict form and e-mail a Word version to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov). If the parties cannot agree on the form, each shall submit its own proposed verdict form.
- f. **Indictment or Information.** The United States shall submit an unredacted copy of the indictment or information in Word format to [wright\\_chambers@mnd.uscourts.gov](mailto:wright_chambers@mnd.uscourts.gov).

### **SANCTIONS**

The Court will impose appropriate sanctions in the event that a party fails to comply with any instruction contained in this Order.

Dated: February 25, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge